

## Emily Hjulstrom

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**From:** Sandra Shackelford  
**Sent:** Thursday, January 18, 2018 1:50 PM  
**To:** Peter Agelasto  
**Cc:** dwshrevelaw@comcast.net; Vicki Wheaton; Steve Carter; Emily Hjulstrom  
**Subject:** RE: ACP filed a new application? othere questions ?

Dear Mr. Agelasto,

Regarding the filing of a new application – I was unfortunately unaware of some of the notification requirements as well as the 90 day time period with which the BZA needed to act within that started from the date that the application was submitted. I later realized that we would not be able to satisfy those requirements. After discussing it with legal counsel, we felt the best alternative would be to request that ACP amend the initial application and they agreed to resubmit it at the meeting this past week which gives the BZA the maximum amount of time to act within the 90 day time period. ACP kindly agreed to cooperate with us and refile.

There is no material difference in the applications that were submitted in October versus the one that was submitted this past week. The front page of the application that was dated January 16, 2018 is the only thing that is different from the original application.

The meeting this past week was an organizational meeting to establish meeting guidelines and procedures in preparation for the upcoming hearings. There was no breach in any public notification requirements since it was not a public hearing.

I will be following the direction of the legal counsel retained by the BZA in regards to allowing the Variance applications to move forward. It is something that is being reviewed and we will do our best to follow precedence in determining whether any applications will be ineligible to move forward.

We are following Freedom of Information Act requirements as far as providing any hard copies of information. Full-sized copies of the large maps would be produced by a different department within the County at a cost of \$12 per map (\$48 for all four of the large maps). We can produce hard copies of the additional information for a cost of \$12.22. If you just want information related to one or two specific crossings, please let me know that as well and I can let you know what costs of producing hard copies of that information would be. All the information is available free of charge on the website as well.

I believe that answers all of your questions. Please let me know if you need anything else.

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**From:** Peter Agelasto [mailto:peter.agelasto@gmail.com]  
**Sent:** Wednesday, January 17, 2018 1:57 PM  
**To:** Sandra Shackelford <[sshackelford@nelsoncounty.org](mailto:sshackelford@nelsoncounty.org)>  
**Cc:** dwshrevelaw@comcast.net  
**Subject:** ACP filed a new application? othere questions ?

Sandy...i was incompletely confused by some things last night. Can you help me understand what happened?

I thought i was coming to listen to BZA planning how to deal with the application filed in 2017. It turned out that either that application was amended or a new application filed. Which was it? last night i heard a new application was filed. Maybe if you give me the file number of the one you had originally advertised and the one you are now using , i can understand if last night related to a new application or the old.

If it was to the new, can you explain why you dont have to start the process anew with that filing. It seems to me last nights hearing was inappropriate. can you as your counsel to respond?

also i want to know if you have told ACP their original application was no good as they did not state an ownership. What is in the new application relative to that. It is very confusing. We think we understand the law as allows a property owner to seek a variance but don't see anything that allows a non property owner to do that. If correct what do you base your current process upon? It is very confusing.

As for providing property owners with copies of the filings, what is your reason for not doing that. After all they are the property owners. It is their land that is receiving the variance. Dominion ACP is not our agent. We are the principal and we dont' want a variance! It is different from where the land owner himself is involved. I know i don't have to tell you that but something is amiss here. It needs to be cleared up before the ;application process even begins. you might also be interested to know that the easement agreements do not contain any agreement that the land owner must support or file for any variance for Dominion ACP. I tell you than i n case Dominion says because they have an agreement they can file.

This is too important for Nelson and for my family for the lack of transparency to exist and for legal errors to be initiated. I am happy to talk with your counsel but these questions need answers. there are a number of other questions but these are so simple, i thought i would start with them.

Peter

PS i am again requesting that a full copy of the application be sent to me as representative of Wintergreen Country Store Land Trust. Until that is done i wish to take issue with the process and reserve the right to contest this inappropriate action at a later date in the courts. It is unfortunate that BZA is not receiving the advice it needs.

Your office and the work it does is important to us and has always been very supportive. I regret these issues require our negative comments as we have always supported your office and its leadership beginning with Fred and then Tim and now you.

that our FPO would need to be defended. We don't need or is it appropriate to defend it now. Let this go, place it in the higher powers hands to decide don't strip away local power.

Maybe ACP LLC will just go away & our FPO never needs to be defended. In my opinion no defense is even necessary but it appears that no amount of danger seems to be enough for ACP LLC to let go. Look at what just happened with the BZA in Augusta...another highly dangerous proposed project. Even Connie Brennan told their BZA that it was the worst project she has ever seen proposed. She feels the same about this situation. At their first meeting in Nelson ACP LLC told me/us that safety was one of their Golden Rules...I replied...my God then what are you doing here? Augusta & Buckingham could pose the same question. As can Bath, Highland....& their Residents have been showing up in hordes asking for their Counties to protect them from a Corporation who isn't even licensed in Virginia.

Since when is it legal for someone to ask for a Variance on property they don't own? How about I ask for a Variance on one of your properties. Even if they have easement agreements (& I know they don't have on at least 4 of them)...that this proves ownership is certainly challengeable. Also, the easement agreements may not allow for Variances to be obtained & if ACP LLC withheld this information it could be interpreted as misrepresentation.

How would you feel about this? So far in Nelson & every other County along the ACP they have bullied their way onto resident's properties by using the VA right to entry law that Dominion wrote & got passed & now the Averitt's, Agelasto's etc are being threatened by Eminent Domain proceedings & also find out that Variances are trying to be obtained on their properties without their permission&/or knowledge. Please explain to me why you're going along with this madness? It's understandable that people are outraged &/or upset. Personally I applaud their ever increasing loud voices.

Then, despite all the suspicions etc out there already, David Shreve recommended that the BZA close their doors? My Counsel says the BZA should require him to put all his recommendations to them in writing & it be posted on their website so Counsel, individuals etc can make their comments or give opposing interpretations of the law. It's not wise to go into proceedings limiting transparency when transparency is already in question. In my opinion David Shreve needs to be replaced already as his impartiality has already been compromised & his interpretation of the law limited & questionable. For example there's no law stating that the public can't talk to BZA Members. I sent Sandy, David etc the code verifying this. The Augusta public is openly communicating with BZA Members & the BZA Members are encouraging them to do so. Please let me know what is going on here?

I suggest you move the 2/12 Meeting to the High School as I'm completely confident 100s of people will be showing up.

I could go on & on & I will. This information is being widely distributed so I'm trying to give you the heads up here.

I just want to point out that this situation would have arose whether we amended our FPO or not so there was no harm in amending it...in fact it was the prudent thing to do & I'm grateful for the time & resources that the County expended. However, expending time & resources at this stage is a waste & could be detrimental to the little authority localities still have. Plus the application is illegal for all the reasons I've pointed out. That's what David Shreve should have pointed out to the BZA on 1/16. The fact that he didn't is reason enough to terminate his contract as he's encouraging the BZA to act illegally.

Thanks for your considerations & Sandy please make sure the BZA receives this e-mail & let me know the date & time it's sent to them.

Take care,

Vicki Wheaton

[http://www.newsadvance.com/news/local/campbell-supervisors-hire-new-county-attorney/article\\_299efa70-92ab-11e7-9fe0-b71971ef54de.html](http://www.newsadvance.com/news/local/campbell-supervisors-hire-new-county-attorney/article_299efa70-92ab-11e7-9fe0-b71971ef54de.html)

